

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
ORANGEBURG DIVISION

ANTONIO MIDDLETON,)	
)	
Petitioner,)	
)	
vs.)	Case No. 5:14-cv-01111-TLW
)	
WARDEN, TYGER RIVER)	
CORRECTIONAL INSTITUTION,)	
)	
Respondent.)	
)	
_____)	

ORDER

Petitioner Antonio Middleton, an inmate at the Tyger River Correctional Institution, filed this pro se habeas petition pursuant to 28 U.S.C. § 2254. This matter is before the Court for review of the Report and Recommendation (“the Report”) filed by United States Magistrate Judge Kaymani D. West, to whom this case was assigned pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02(B)(2)(c), (D.S.C.). In the Report, the Magistrate Judge recommends that this Court dismiss the petition without prejudice. (Doc. #32). Petitioner’s objections to the Report were due by July 14, 2014. Petitioner failed to file objections, and this matter is now ripe for review.

The Court is charged with conducting a de novo review of any portion of the Report to which a specific objection is registered, and may accept, reject, or modify, in whole or in part, the recommendations contained therein. 28 U.S.C. § 636. However, in the absence of objections to the Report, the Court is not required to give any explanation for adopting the Magistrate Judge’s recommendation. See Camby v. Davis, 718 F.2d 198, 200 (4th Cir. 1983). In such a case, “a district court need not conduct a de novo review, but instead must ‘only satisfy itself that

there is no clear error on the face of the record in order to accept the recommendation.”
Diamond v. Colonial Life & Accident Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005) (quoting Fed.
R. Civ. P. 72 advisory committee’s note).

In light of this standard, the Court has carefully reviewed the Report and concludes that it accurately summarizes the case and the applicable law. Accordingly, it is hereby **ORDERED** that the Report and Recommendation is **ACCEPTED**. (Doc. #32). For the reasons articulated by the Magistrate Judge, this petition is **DISMISSED** without prejudice.

The Court has reviewed this petition in accordance with Rule 11 of the Rules Governing Section 2254 Proceedings. The Court concludes that it is not appropriate to issue a certificate of appealability as to the issues raised herein. Petitioner is advised that he may seek a certificate from the Fourth Circuit Court of Appeals under Rule 22 of the Federal Rules of Appellate Procedure.

IT IS SO ORDERED.

s/ Terry L. Wooten
Terry L. Wooten
Chief United States District Judge

January 13, 2015
Columbia, South Carolina